REMARKS / ARGUMENTS

After the foregoing amendment, claims 1 - 11 are pending in the application. Claim 7 has been amended to correct a minor typographical error. Claim 8 has been amended into independent form. Claims 9 - 11 have been added. Applicants submit that no new matter has been added to the application by the amendments.

Applicant respectfully requests additional consideration and review of the claims in view of the following remarks.

Rejections Under 35 U.S.C. § 102(e)

The Examiner has rejected claims1 - 7 under 35 U.S.C. § 102(e) as being anticipated by Hill et al, US Pat. No. 6,334,219 (Hill). Applicant respectfully traverses the rejections.

Careful review of the Hill reference reveals that Hill discloses an apparatus including an equalizer 214 (shown in detail in FIG. 35) which "...*performs a complex multiply at multiplier 370* with the value from the selected FFT bin. The *output is then quantized at symbol quantize block 366* to the nearest symbol value from a storage table. The quantized value (hard decision) *is passed out to be decoded into bits by symbols to bits converter 216*. The remainder of the circuitry is used to update the equalizer coefficients. An *error is calculated between the quantized symbol value and the equalized sample* at summer 364." See col. 55, lines 50-68 (emphasis added). The magnitude of the error is then mapped into an estimate of the signal to noise ratio by signal to noise ratio monitor 305 (FIG. 26). See col 77, lines 31-33.

Alternatively, Hill discloses a second method of looking at the "variance" on an *unallocated channel*, which has "no signal in the band" (i.e. only noise) to determine an estimate of signal to noise ratio and determine a probable bit error rate. See col. 77, lines 23-40.

In sharp contrast, the present invention, as claimed in claims 1-7 comprises a means for (and the step of) separating *a framing signal portion* from an electrical signal, (e.g., for *a single "allocated" channel of a converted SONET signal*), leaving in its time slot the noise that was on the framing signal. Such noise is used as a measure of the quality of the (SONET) standard optical signal. As can be understood by those skilled in the art, and as discussed in the specification (page 2, lines 10-16), the present invention allows for SONET framing pulses to be extracted directly from the SONET traffic *without* accessing actual individual data bits.

Applicants submit that Hill nowhere discloses, teaches or even suggests such a method and apparatus. Specifically, Hill does not teach *separating the framing signal portion of the electrical signal from the noise in the time slot of the framing signal portion.*

Accordingly, Applicants submit that Hill does not anticipate claims 1 - 7, and respectfully requests withdrawal of the rejections under 35 U.S.C. § 102(e).

Rejections Under 35 U.S.C. § 103

Claim 5 has been rejected under 35 U.S.C. § 103 as being unpatentable over Hill. Applicants respectfully traverse the rejection.

In view of the above arguments regarding the clear distinctions between the method and apparatus of the claimed invention and the disclosure of Hill, Applicants submit that the disclosure of Pidgeon (U.S. Pat. No. 5,153,763) regarding block conversion of all or part of the broadband of CATV signals to reduce distortion in no way makes up for the shortcomings of Hill. Specifically, since Hill fails to disclose, teach or even suggest separating the framing signal portion of the electrical signal from the noise in the time slot of the framing signal portion, it would *not* be obvious in view of Hill and Pidgeon to use "...a low pass filter including two 50 ohm lengths of transmission line and two one-quarter wavelength stubs of such a transmission line..." to perform such separation.

Accordingly, Applicants submit that the disclosure of Hill and Pidgeon do not render obvious claim 5 nor any of the claims of the present application, and therefore respectfully requests that the rejection of claim 5 be withdrawn.

Allowable Subject matter

The Examiner objected to claim 8 as being dependent upon a rejected base claim. Applicants note that process claim 8, as originally filed, improperly depended from apparatus claim 5. Accordingly, Applicants have amended claim 8 to independent form including all of the limitations of claim 7. Applicants now believe that claim 8, as amended, is in proper form for allowance and respectfully request reconsideration and withdrawal of the objection to claim 8.

New Claims

Applicants have added new claims 9 – 11, further claiming that which that Applicants regard as the invention. The new claims are believed to be fully supported by the original specification and claims, as filed.

Conclusion

In so far as the Examiner's objections and rejections have been fully addressed, the instant application, including claims 1 - 11, is in condition for allowance. A Notice of Allowability is therefore earnestly solicited.

If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, the Examiner is cordially invited to contact the undersigned to resolve these issues.

Respectfully submitted,

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